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January 28, 2019

VIA ECF

The Honorable Ronnie Abrams
United States District Judge, S.D.N.Y.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Polaris Images Corporation v. The Daily Beast Company, LLC*
Case No. 1:18-cv-4638 (RA) (S.D.N.Y.)

Dear Judge Abrams:

Pursuant to Your Honor's January 14, 2019 Order (ECF No. 16), the parties submit this joint status letter. This letter supplements the parties' joint letter dated July 27, 2018 (ECF No. 11).

1. Status and Planned Activity.

Following the Court's August 3, 2018 Mediation Referral Order (ECF No. 6), the parties participated in mediation sessions on October 18, 2018 and November 28, 2018. Unfortunately, these sessions were unsuccessful.

a. Plaintiff.

Plaintiff plans to proceed forward with discovery. After discovery, Plaintiff intend to file a motion for summary judgment on copyright infringement liability.

b. Defendant.

Defendant The Daily Beast Company, LLC ("TDB") plans to file its Answer to the Complaint, following which it plans to take discovery regarding the photograph in issue. After such discovery, TDB intends to file a motion for summary judgment on fair use grounds.

The parties look forward to the Court setting a schedule based upon the foregoing.

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Dated: January 28, 2019
New York, New York

/s/Richard Liebowitz
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Respectfully submitted,

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